SOUTHERN DISTRICT OF	F NEW YORK	<b>V</b>	
		X :	
SYSTEM AGENCY,		:	
	Plaintiff,	: :	
		:	10 CV (406 (IME)
-V-		:	19-CV-6486 (JMF)
CARLOS VILLANUEVA,		· :	<u>ORDER</u>
		:	
	Defendant.	:	
		:	
		X	

JESSE M. FURMAN, United States District Judge:

Plaintiff System Agency brings this action against Defendant Joseph Villanueva, invoking the Court's subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332. Plaintiff alleges that it is "incorporated under the laws of Switzerland, with an address" in Geneva, Switzerland. *See* ECF No. 5, ¶ 6. Plaintiff alleges that the parties are diverse because Defendant is a citizen of New York. In his Answer, however, Defendant alleges that System Agency's principal place of business is in New York. ECF No. 31, ¶ 9.

It is well established that a corporation is a citizen of *both* its place of incorporation and its principal place of business. 28 U.S.C. § 1332(c)(1). It is equally well established that "diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record." *Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) (internal quotation marks omitted). In the present case, the Complaint fails to do so.

Accordingly, it is hereby ORDERED that, on or before **February 18, 2020**, Plaintiff shall amend its Complaint to include its principal place of business. If, by that date, the Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the

Complaint will be dismissed for lack of subject matter jurisdiction without further notice to either party. The Clerk of Court is directed to mail a copy of this Order to Defendant.

SO ORDERED.

Dated: February 11, 2020

New York, New York

JESSE M. FURMAN

United States District Judge